

## **Fire Chief authority concerning the use of fireworks**

### **1. Public displays**

IC 22-11-14-3-2(c) provides that:

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be located, discharged, or fired as, in the opinion of:

(1) the chief of the fire department of the city or town in which the display is to be held; or

(2) the township fire chief or the fire chief of the municipality nearest the site proposed, in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

The Fire Prevention and Building Safety Commission has adopted NFPA 1123, 2006 edition, to regulate the public display of fireworks. Section 8.1.4.2 of 1123, as amended in Indiana, provides that "If high winds, precipitation, or other adverse weather conditions prevail, such that a significant hazard exists, the fireworks display shall be postponed until weather conditions improve to a reasonable level".

This section allows the fire chief to require the postponement of any public display until "weather conditions improve to a reasonable level".

### **2. Use of fireworks by the general public on their own property**

The Indiana Fire Code does not regulate the use of fireworks on the user's private property or on the private property of someone who has given permission for the use of the fireworks on their property.

A community, including its fire chief, may want to consult their legal advisor concerning the applicability of IC 36-8-2-4.

IC 36-8-2-4

Sec. 4. A unit may regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare.

*As added by Acts 1980, P.L.211, SEC.3.*